

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
ALBUQUERQUE DIVISION

BRANT GRIFFIN, a resident of Nevada;
RANDI MONDELLO, a resident of California,

Plaintiffs,

v.

ERLEND OLSON, a resident of New Mexico,

Defendant.

Case No. 24-914-DHU-KK

DECLARATION OF ROGER L. SCOTT IN SUPPORT OF BRANT GRIFFIN'S

MOTION FOR STAY PROCEEDING

I, Roger L. Scott, hereby declare as follows:

1. I am an attorney admitted *pro hac vice* in this District. I am a Shareholder at Buchalter, APC, and am counsel of record for Plaintiff Brant Griffin in this matter. If called upon, I could and would testify to the facts herein from my personal knowledge.

2. On March 20, 2025, the Court held a pre-settlement conference hearing in this matter. During that conference, Olson's attorney, Nicholas Sitterly, explained that Olson was being transferred from detention in New Mexico to detention in the District of Columbia where he would await a hearing on the revocation of his pretrial detention. Sitterly suggested that the parties stay this matter pending Olson's criminal case.

3. At the March 20, 2025 hearing, I explained that, at that time, Griffin was not amenable to such a stay, particularly given the potential that Olson would be released from detention and able to participate in a deposition or a settlement conference.

4. On May 5, 2025, Olson's counsel, Nicholas Sitterly, wrote me to inquire whether Griffin would stipulate to Sitterly withdrawing as Olson's counsel in this matter. I responded that he would need to confer with Griffin. A true and correct copy of my May 5, 2025 email chain with Mr. Sitterly is attached hereto as Exhibit 1.

5. On May 31, 2025, I sought to confer with Mr. Sitterly regarding a potential stay of this matter. Mr. Sitterly did not respond. On June 10, 2025, I followed up with Mr. Sitterly regarding a potential stay. Again, Sitterly did not respond. A true and correct copy of my May 31 through June 10, 2025 email chain with Mr. Sitterly is attached hereto as Exhibit 2.

6. On June 14, 2025, in preparing this motion to stay, I reviewed the Court docket and learned, for the first time, that, on May 5, 2025, Mr. Sitterly had filed a motion to withdraw as counsel (Dkt. 32), on June 6, 2025, the Court denied Mr. Sitterly's motion without prejudice (Dkt. 33), Mr. Sitterly subsequently filed a Certificate of Service related to that motion (Dkt. 34), on June 11, 2025, Mr. Sitterly engaged in an *ex parte* communication with the Court that the Court later uploaded to ECF, and on June 13, 2025, the Court granted Mr. Sitterly's motion.

7. In reviewing the file in this matter, it appears that, on or about February 24, 2025, when the Court granted my motion for leave to withdraw as counsel for Randi Mondello, I was inadvertently removed from *all* ECF notices for this action, despite my continued representation of Brant Griffin.

8. While another attorney at my firm and a legal assistant continue to receive notices, multiple filings were not brought to my attention because both of those individuals understandably assumed that I continued to receive notices in this matter.

9. On June 16, 2025, I directed my assistant to contact the Court clerk to resolve this issue.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 16th day of June, 2025 at Irvine, California.

/s/ *Roger L. Scott*

Roger L. Scott

PROOF OF SERVICE

United States District Court of New Mexico – Albuquerque Division
Brant Griffin and Randi Mondello v. Erlend Olson, et al.

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is at BUCHALTER, a Professional Corporation, 18400 Von Karman Avenue, Suite 800, Irvine, CA 92612-0514. My e-mail address is lchapman@buchalter.com.

On the date set forth below, I served the foregoing document described as:

**DECLARATION OF ROGER L. SCOTT IN SUPPORT OF BRANT GRIFFIN'S
MOTION FOR STAY PROCEEDING**

on all other parties and/or their attorney(s) of record to this action by:

☒ **BY ELECTRONIC SERVICE.** On **June 16, 2025**, I hereby certify that on this date, I electronically filed the foregoing using the Court's CM/ECF system which will send notification of such filing to the email addresses denoted on the Electronic Mail notice list.

Erland Olson 3908 Richmond Rd. Warsaw, VA 22572 Tel.: (804) 333-6419	Randi Mondello 18921 Ocean Park Lane Huntington Beach, CA 92648 Email: randimondello@gmail.com
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☒ **BY EMAIL** On **June 16, 2025**, I caused the above-referenced document(s) to be sent in electronic PDF format as an attachment to an email addressed to the person(s) on whom such document(s) is/are to be served at the email address(es) shown above, as last given by that person(s) or as obtained from an internet website(s) relating to such person(s), and I did not receive an email response upon sending such email indicating that such email was not delivered.

☒ **BY MAIL** I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. The address(es) shown above is(are) the same as shown on the envelope. The envelope was placed for deposit in the United States Postal Service at Buchalter in Irvine, California on **June 16, 2025**. The envelope was sealed and placed for collection and mailing with first-class prepaid postage on this date following ordinary business practices.

☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge. Executed on June 16, 2025, at Irvine, California.

Loretta Chapman – lchapman@buchalter.com

/s/ Loretta Chapman
(Signature)

EXHIBIT 1

Scott, Roger L.

From: Scott, Roger L.
Sent: Tuesday, May 6, 2025 10:38 AM
To: 'Nicholas Sitterly'
Subject: RE: Job 7180614 - Stephen Buscher 3/4/25 - Read & Sign

Nick-

I will talk with my client and get back to you.

Sincerely,
Roger

From: Nicholas Sitterly <nick.sitterlylawfirm@gmail.com>
Sent: Monday, May 5, 2025 1:22 PM
To: Scott, Roger L. <rscott@buchalter.com>
Cc: calendar-dd@veritext.com
Subject: Re: Job 7180614 - Stephen Buscher 3/4/25 - Read & Sign

This message has originated from an **External Email**. NICK.SITTERLYLAWFIRM@GMAIL.COM
<nick.sitterlylawfirm@gmail.com>:

Roger, due to circumstances, I need to withdraw from the case. I will file a motion. Do you oppose?

Nick Sitterly
Sitterly Law Firm, LLC
500 Marquette Avenue Northwest
Suite 1200
Albuquerque, New Mexico 87102
P: (505) 314-1318
F: (866) 610-0455

On Thu, Apr 24, 2025 at 1:07 PM Scott, Roger L. <rscott@buchalter.com> wrote:

Elanor-

Confirmed on my end.

Thanks,

Roger

Buchalter

Roger L. Scott

Shareholder

T (949) 224-6265

C (805) 708-3936

rscott@buchalter.com

[18400 Von Karman Avenue, Suite 800](#)

[Irvine, CA 92612-0514](#)

www.buchalter.com | [Bio](#)

From: eharris@veritext.com <calendar-dd@veritext.com>

Sent: Thursday, April 24, 2025 12:03 PM

To: Scott, Roger L. <rscott@buchalter.com>; Nick Sitterly <nick.sitterlylawfirm@gmail.com>

Subject: Job 7180614 - Stephen Buscher 3/4/25 - Read & Sign

This message has originated from an **External Email**. calendar-dd@veritext.com:

Good afternoon,

I received a call from attorney Jennifer Hall. She stated she represents the witness, Mr. Buscher, in this case and that the read and sign should have been sent to the witness for signature and not to Mr. Scott.

Therefore, she would like the water marked transcript sent to her and the 30 days for signature restarted.

Please advise if this is acceptable to both parties or if you have any objection.

Best,

April showers bring you power! Let us empower your proceedings this Spring by leaving us feedback on our [survey](#) so we can better serve you.

Is there anything else I can help you with?

Kindest Regards,

Eleanor Harris

eharris@veritext.com

Client Services Representative

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EXHIBIT 2

Scott, Roger L.

From: Scott, Roger L.
Sent: Tuesday, June 10, 2025 7:03 PM
To: Nicholas Sitterly
Subject: RE: Griffin v Olson

Nick-

Following up on the below.

Thanks,
Roger

Buchalter

Roger L. Scott he/him/his
Shareholder
T (949) 224-6265
C (805) 708-3936
rscott@buchalter.com

18400 Von Karman Avenue, Suite 800
Irvine, CA 92612-0514
www.buchalter.com | [Bio](#)

From: Scott, Roger L.
Sent: Saturday, May 31, 2025 8:01 AM
To: 'Nicholas Sitterly' <nick.sitterlylawfirm@gmail.com>
Subject: Griffin v Olson

Nick-

Given Mr. Olson's pending criminal issues (and the inevitable 5th amendment assertion if we proceed with discovery) and the discussion had with the magistrate at the last status conference, I have been discussing the concept of a stay with my client. Please let me know if your client would be open to staying this case pending resolution of his criminal case.

Sincerely,
Roger

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